

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

F I L E D
AUG - 7 2014

VINOD PATEL)

CLERK'S OFFICE)
DETROIT Defendant.)

Case No. 11-cr-20468

Judge Arthur J. Turnow

DEFENDANT'S MOTION TO DISMISS PENDING MOTION
TO SUPPLEMENT PENDING MOTION FOR NEW TRIAL

The Defendant Vinod Patel ("Patel") acting pro se respectfully moves the Court for leave to dismiss his pending motion to supplement his motion for a new trial. In support hereof Patel states the following:


1. On July 27, 2014, Patel caused a motion to be mailed to the Clerk of the Court that was entitled "MOTION TO SUPPLEMENT PENDING MOTION FOR NEW TRIAL". See copy of said motion attached hereto marked Exhibit A.

2. The motion to supplement pending motion for new trial was mailed to the Clerk of the Court in error. There is no pending motion for a new trial filed in this case. by the Defendant Vinod Patel therefore said motion should be considered moot.

Wherefore Defendant moves the Court for an Order to dismiss the motion at Exhibit A, as moot.

Respectfully submitted

Date: August 4, 2014.



Vinod Patel
Defendant pro se

Certificate Of Service


I, Vinod Patel, swear under penalty of perjury that I have caused a copy of the foregoing motion to be mailed to the following parties,

Wayne Pratt Sr. AUSA
U.S. Attorney's Office
211 W. Fort Street, Suite 2100
Detroit, Michigan. 48226

Richard Beuke
Attorney at Law
115 W. 55th Street
Suite 400
Claredon Hills, Illinois. 60514

Clerk Of The Court (Original and two copies)
United States District Court
Eastern District of Michigan
231 W. Lafayette Blvd., Room 564
Detroit, Michigan. 48226

this 4th day of August, 2014.
(28 U.S.C. §1746).



Vinod Patel
48468-039
Federal Correctional Institution
P.O.Box 1000
Milan, Michigan. 48160

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHRN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Case No. 11-cr-20468
)	Judge Arthur J. Tarnow
VINOD PATEL,)	
Defendant.)	

MOTION TO SUPPLEMENT PENDING MOTION FOR NEW TRIAL

Now comes the Defendant Vinod Patel, ("Patel") acting pro se and respectfully moves the Court for leave to supplement his pending motion for a new trial. Defendant Patel will supplement his motion for a new trial with the following ineffective assistance of counsel claims and stated the following:

1. On July 24, 2014, Patel mailed a Motion For A New Trial to the Clerk of the United States District Court for the Eastern District of Michigan to be filed in this case. Patel now seeks to supplement said motion with the following claim:

SUPPLEMENTAL CLAIM IN SUPPORT OF MOTION FOR NEW TRIAL

Trial counsel was ineffective for failing to file a motion to suppress the fruits of unlawfully intercepted wire communications that the Government presented at trial to support its case against Vinod Patel.

1.

DEFENDANT'S EXHIBIT A

FACTS THAT SUPPORTS SUPPLEMENTAL CLAIM FOR NEW TRIAL

Trial counsel Mr. Richard Beuke knew well in advance of trial that the Government planned to introduce into evidence phone calls between some of the defendant's acquired during the interception of wire communications by government agents.

If Mr. Beuke would have investigated the intercepted wire communications and the manner in which they were obtained by government agents he would have discovered that there existed grounds to file a motion to suppress all intercepted phone calls the government intended to introduce as evidence at trial. An investigation of the affidavits supporting the applications for wire tap orders provides strong evidence that normal investigation techniques and methods employed by government agents had worked exceptionally well and that interception of wire communications were not necessary. Additionally the Government employed civilian monitors even though the court orders only authorized special agents of the Drug Enforcement Agency to conduct surveillance. And most damageing to defendant Vinod Patel is that the civilian monitors minimized less than 1% of the calls and recorded the entirety of all attorney-client calls that were stored in system that all agents and prosecutors in this case had access to and no doubt listened to every single attorney-client call at will. In the face of this evidence trial counsel Mr. Beuke did not file a motion to suppress the recorded phone calls.

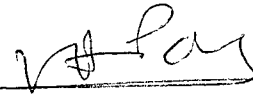
After trial Mr. Beuke communicated to defendant Vinod Patel

that "In speaking with the jurors afterwards, they indicated that the phone conversations was the evidence they relied on primarily to convict". Here Mr Beuke was ineffective for not thoroughly investigating the intercepted wire communications and for not filing a motion to suppress all intercepted calls. By failing to raise an objection below Mr. Beuke failed to preserve the issue on direct appeal.

CONCLUSION

Wherefore Vinod Patel prays the Court will grant leave to supplement his pending motion for a new trial and further to grant a new trial based on ineffective assistance of counsel; or in the alternative order that an evidentiary hearing be conducted into this matter.

Respectfully submitted

A handwritten signature in dark ink, appearing to read 'Vinod Patel', is written over a horizontal line.

Vinod Patel
Defendant pro se

Certificate Of Service


I, Vinod Patel swear under penalty of perjury that I have caused a copy of defendant's MOTION TO SUPPLEMENT PENDING MOTION FOR NEW TRIAL to be mailed to John K. Neal and Wayne F. Pratt, U.S. Attorney's Office, 211 W. Fort Street, Ste 2001, Detroit, Michigan. 48226, this 27th day of July, 2014.
(28 U.S.C. §1746).



Vinod Patel

Certificate Of Mailing

I, Vinod Patel swear under penalty of perjury that I have caused the original and two copies of defendant's MOTION TO SUPPLEMENT PENDING MOTION FOR NEW TRIAL to the Clerk, United States District Court, Eastern District of Michigan, 231 W. Lafayette Blvd., Room 564, Detroit, Michigan. 48226, by placing said motion in a legal envelope with sufficient first-class postage attached and deposited same in the Prisoner's mail box at the Federal Correctional Institution at Milan, Michigan. 48160, this 27th day of July, 2014.
(28 U.S.C. §1746).



Vinod Patel
#48468-039
Federal Correctional Institution
P.O.Box 1000
Milan, Michigan. 48160

Babubhai Patel
#46049-039
Federal Correctional Institution
P.O. Box 1000
Milan, Michigan. 48160

FILED
AUG - 7 2014
CLERK'S OFFICE
DETROIT

46049-039
Office Of The Clerk
U.S. District Court
231 W Lafayette BL VD
Fifth Floor
Detroit, MI 48226
United States



